

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE:

COVENANT ROOFING AND
CONSTRUCTION INC

DEBTOR

CASE NO:

23-00999-5-JNC

CHAPTER 7

MOTION FOR EXAMINATION UNDER RULE 2004

NOW COMES James B. Angell, Chapter 7 Trustee in the above-referenced case, by and through undersigned counsel, and moves this Court for an order directing CENTERCARD to permit examination of certain documents pursuant to Rule 2004, and says the following:

1. The Debtor herein filed a voluntary petition under Chapter 7 on April 11, 2023. The Case was converted to a case under chapter 7 on June 29, 2023. James B. Angell is the duly appointed, qualified and acting Chapter 7 Trustee ("Trustee").
2. The Trustee seeks information from CENTERCARD regarding the acts, conduct, or property or to the liabilities and financial condition of the Debtor, the Debtor's right to a discharge, if applicable, or to any matter which may affect the administration of the Debtor's estate.
3. Specifically, the Trustee seeks to have CENTERCARD produce the documents listed on Exhibit A attached hereto on or before ten days after the date of entry of an order allowing this Motion at 5:00 P.M.

WHEREFORE, the Trustee moves this Court for an order pursuant to Fed.R.Bankr.P.2004:

1. Requiring CENTERCARD to produce those documents described in Exhibit A for examination and copying at the offices of Howard, Stallings, From, Atkins, Angell & Davis, P.A. at 5410 Trinity Road, Suite 210, Raleigh, North Carolina, 27607 on or before ten days after the date of entry of an order allowing this Motion at 5:00 P.M. or such other place as may be mutually agreed or such later date as may be designated by the Trustee; and further
2. Grant such other and further relief as may be just and proper.

DATED: August 3, 2023

s/James B. Angell
James B. Angell
Howard, Stallings, From, Atkins,
Angell & Davis, P.A.
State Bar No. 12844
P.O. Box 12347
Raleigh, NC 27605

Telephone: (919) 821-7700

jangell@hsfh.com

Chapter 7 Trustee

EXHIBIT A

This request is made upon CENTERCARD for records in your possession, custody, or control.

“You” means CENTERCARD.

The “Debtor” means Covenant Roofing and Construction, Inc., also doing business as Covenant Solar & Roofing.

1. Produce all documents evidencing any contract terms between You and the Debtor in effect from January 1, 2018 to the present, specifically including but not limited to any terms regarding the payment of any obligation due to You from the Debtor.
2. Produce all documents evidencing the terms of any note made by the Debtor to You which remained in any part unpaid during the period beginning January 1, 2018 to the present, specifically including but not limited to any terms regarding the payment of any obligation due to You from the Debtor.
3. Produce all documents evidencing the grant or perfection of any collateral granted by the Debtor for any payment obligation due to You at any time beginning January 1, 2018 to the present.
4. Produce all invoices, bills or demands or other evidence of notices of payments due to You from the Debtor sent by you or on your behalf during the period beginning January 1, 2018 to the present.
5. Produce all ledgers, credit memos, receipts, credited invoices, or other evidence of payments received from any person or entity with respect to any payment obligations of the Debtor to You from January 1, 2018 to the present.
6. Produce all ledgers of amounts billed, billing dates, and delivery or service dates of any goods or services provided by You and payment dates and amounts paid to You for such goods or services from January 1, 2018 to the present,
7. Produce all correspondence (including emails, text messages and other electronic forms of correspondence) between You and the Debtor regarding the payment of any obligations due to You from the Debtor from January 1, 2018 to the present.
8. Produce all documents evidencing any obligations that You had or have to the Debtor to make payment to the Debtor from January 1, 2018 to the present.

9. Produce all documents evidencing any rights to setoff that the Debtor asserted or you accepted with respect to any payment obligation of the Debtor to You from January 1, 2018 to the present.
10. Produce all correspondence (including emails, text messages and other electronic forms of correspondence) between You and the Debtor regarding the payment of any obligation due to You from the Debtor from January 1, 2018 to the present.
11. Produce any documents, including but not limited to financial statements, that reflect the Debtor's financial condition at any time between January 1, 2018 and the present.

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CERTIFICATE OF SERVICE

I, Qiara McCain, of the law firm Howard, Stallings, From, Atkins, Angell & Davis, P.A.,
certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age:

That on August 3, 2023, the foregoing MOTION FOR EXAMINATION UNDER RULE 2004 was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the parties listed below. I further certify that I have mailed the document to the non CM/ECF participants as set out below by first class mail.

I certify under penalty of perjury that the foregoing is true and correct.

DATE: August 3, 2023

s/ Qiara McCain
Qiara McCain, Paralegal
P.O. Box 12347
Raleigh, NC 27605

Brian C. Behr, Esquire Bankruptcy Administrator <i>Served via cm/ecf and by email to Lesley_Dean@nceba.uscourts.gov and Karen_Cook@nceba.uscourts.gov</i>	Laura Greene Justin Mertz Christopher J. Schreiber <i>Attorneys for Debtor Served via cm/ecf</i>
Covenant Roofing and Construction Inc 1023 S. Miami Blvd Durham, NC 27703	CENTERCARD Attn: MANAGING AGENT OR OFFICER 855 106th Ave NE Bellevue, Washington, 98004